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Taft

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EPA Region 5 Records Ctr.



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1198010003

Chemetco
SF/tech

May 19, 2009

Via Federal Express

FILE COPY

Mr. Erin J. Rednour, Remedial Project Manager
Illinois Environmental Protection Agency
Bureau of Land
Division of Remediation Management
Mailcode 24, P.O. Box 19278
Springfield, IL 62784-9278

RECEIVED

MAY 20 2009

Re: Chemetco Site
1198010003 - Madison County
ILD 048 843 809
Renewal of Request to Delete River Metals Recycling LLC
from IEPA's PRP List

IEPA-BOL-FSR8

Dear Mr. Rednour:

Our client, River Metals Recycling LLC ("RMR"), is submitting new information to you, and we reiterate our request to delete RMR from IEPA's PRP List for the Chemetco Site.

RMR responded to IEPA's Information Request concerning the Chemetco Site last June. Since that time, the United States Supreme Court in *Burlington Northern Re Santa Fe Railway Co. v. United States* (May 4, 2009), issued its ruling addressing CERCLA "arranger" liability. Because there was no specific intent to arrange for the disposal of a hazardous substance, the Supreme Court ruled that Shell was not liable as an arranger.

There are no facts whatsoever in the Chemetco matter that support the proposition that RMR had an intent to dispose nor took "intentional steps to dispose of a hazardous substance" at Chemetco. If you will review RMR's response to the 2008 Information Request in light of the Supreme Court's narrower interpretation of "arranger," you will conclude that RMR's circumstances are even more favorable than Shell's were in the Supreme Court case. All of the facts in this matter point to only one conclusion: RMR is not liable as an arranger under CERCLA §107(a)(3).

RELEASABLE

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REVIEWER MD

Mr. Erin J. Rednour
May 19, 2009
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The Superfund Recycling Equity Act defense combined with the Supreme Court's stricter interpretation of CERCLA arranger liability forms the rock-solid foundation establishing RMR's complete lack of potential liability under CERCLA. Justice dictates that the Agency delist RMR from the PRP List at Chemetco.

Sincerely yours,

A handwritten signature in black ink, reading "Laura A. Ringenbach". The signature is fluid and cursive, with the first name "Laura" and last name "Ringenbach" clearly legible.

Laura A. Ringenbach

LAR:mas